

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Harold John Brooks**

Docket No. **283880**

L.C. No. **02-010915-FC**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the application was not filed within 12 months of the judgment of sentence and neither of the two exceptions found in MCR 7.205(F)(4) applies. The Court holds, pursuant to the second exception in MCR 7.205(F)(4), that defendant had 12 months after *Halbert* was decided to request appellate counsel. Here, defendant waited 23 months after the June 23, 2005 *Halbert* decision to make his initial request for counsel and therefore, this defendant's delayed application is DISMISSED.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 14 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk